

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

STEPHEN ROSSI	:	
	:	
	:	Case No. 3:03CV1247 (MRK)
Plaintiff,	:	
	:	
v.	:	
	:	
WEST HAVEN BOARD OF EDUCATION :	:	
GEORGE PALERMO, and RONALD :	:	
STANCIL,	:	
Defendants.	:	

RULING AND ORDER

Presently before the Court is Plaintiff Stephen Rossi's Motion to Seal File [**doc. #37**] seeking to seal the entire record in this case from public inspection. In his motion, Mr. Rossi recites in conclusory fashion that the entire record of this proceeding must be sealed from public inspection because the file "contains student records that otherwise would be protected from disclosure under the Federal Family Education Rights and Privacy Act, 20 U.S.C. Section 1232(g)." *See* Mot. to Seal File [doc. #37] at 1. Mr. Rossi has failed to provide justification for his request to seal the entire file in this case.

There is strong presumption against sealing any court records from public inspection. *See Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 597-99 (1978); *United States v. Graham*, 257 F.3d 143, 150 (2d Cir. 2001); *United States v. Amodeo*, 44 F.3d 141, 146 (2d Cir. 1995); *Video Software Dealers Assoc. v. Orion Pictures, Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 26 (2d Cir. 1994). As the Second Circuit recently made clear, the public and the press have a

"qualified First Amendment right of access" to inspect and make copies of judicial documents and docket sheets. *Hartford Courant Co. v. Pellegrino*, 371 F.3d 49, 59 (2d Cir. 2004). In limited circumstances and upon a showing of compelling circumstances, this Court may order certain records to be sealed. *See id.* at 62-63 (judicial records enjoy a "presumption of openness," a presumption that is rebuttable only "upon demonstration that suppression is essential to preserve higher values and is narrowly tailored to serve that interest") (internal quotations omitted). However, "[i]n most cases, a judge must carefully and skeptically review sealing requests to insure that there really is an extraordinary circumstance or compelling need." *In re Orion Pictures Corp.*, 21 F.3d at 27 (citation omitted); *see Securities & Exchange Comm'n v. The Street.com*, 273 F.3d 222, 232 (2d Cir. 2001). Moreover, ordinarily, a court must make that determination on the basis of a careful document-by-document review of the particular portions of the document that a party wishes to be kept under seal and after considering whether the requested order is no broader than necessary to serve the interests that require protection. *See Amodeo*, 71 F.3d at 1050-51. A blanket sealing order such as that requested by Mr. Rossi would rarely, if ever, be appropriate.

Furthermore, Mr. Rossi's request to seal the file comes late in the game. Indeed, he raised the issue of the confidentiality of his student records for the first time after the Court had already ruled in a publicly available ruling on Defendants' Motion Summary Judgement [doc. #27]. At no time before filing the present motion did Mr. Rossi ever request permission to proceed under a fictitious name or to seal any pleadings or records. In fact, the record in this case has been freely available to the public in the Clerk's Office and on the District Court's electronic filing system for some time. Under these circumstances, it is difficult to imagine why every document

ever filed in this civil case should now be sealed from public inspection in its entirety. Certainly, Mr. Rossi – who bears the heavy burden of justifying such an extraordinary remedy – has not sufficiently justified the request relief in his conclusory motion.

The Court will not, therefore, seal the entire case file from public inspection. If Mr. Rossi can identify particular portions of individual documents that he believes should be shielded from public view, he may seek individual orders relating to those documents. In order to do so, Mr. Rossi must make a separate motion in accordance with District of Connecticut Local Rule 5(d), specifying precisely what he wishes to be kept under seal and making a particularized showing of good cause as to why the Court should depart from the strong presumption against sealing any court records to public inspection.

Accordingly, Mr. Ross's Motion to Seal File [**doc. #37**] is DENIED.

IT IS SO ORDERED.

/s/ Mark R. Kravitz
United States District Judge

Dated at New Haven, Connecticut: April 8, 2005.